

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

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In re:

CHAPTER 13

CASE NO. 8-21-71691-reg

DOUGLAS J FILARDO,

Debtor

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OBJECTION TO CONFIRMATION OF PLAN
(27 MONTAUK HWY, WESTHAMTON, NY 11977)

COMES NOW, Compu-Link Corporation DBA Celinek as attorney in fact for PHH Mortgage Co, ("Secured Creditor") in the above-entitled Bankruptcy proceeding, and hereby submits the following Objection to Confirmation of the Chapter 13 Plan Proposed by Douglas J. Filardo ("Debtor") on October 7, 2021 (Docket No. 13).

1. Jurisdiction is proper pursuant to 28 U.S.C. § 151, 157(b)(2)(L), and 1334.
2. On September 27, 2021 (the "Petition Date") Debtor filed a petition (the "Petition") for relief under chapter 13 of title 11 of the United States Code, 11 U.S.C. §§ 101 et seq. (the "Bankruptcy Code").
3. Secured Creditor is a reverse mortgage which advances were loaned to the Debtor in exchange of an equity conversion. The debt is secured by virtue of a Mortgage which encumbers Debtor's property located at 27 Montauk Hwy., Westhampton, NY 11977, which is recorded in in the public records of Suffolk County, New York.
4. The Proof of Claim, timely filed by Secured Creditor on November 2, 2021 (Claim # 7-1), list the pre-petition debt owed at \$0.00.

5. Debtor is paying directly. However, the plan states the Debtor is paying contractual payments of \$600.00 inclusive of escrow. The plan as proposed is incorrect.
6. Secured Creditor files this limited objection to clarify it does not accept installment payments; it is not designed to accept installment payments and the debt is not escrow.
7. Debtor must pay taxes and insurance directly.
8. Secured Creditor request current proof of taxes and insurance be provided directly to the Secured Creditor each period in accordance with RESPA.
9. Secured Creditor is entitled to attorney fees pursuant to 11 U.S.C 1322(e) which fees should be added to the balance due to on the Note and Mortgage pursuant to the terms of those documents, but attorney fees should not be a personal obligation of the Debtor.

WHEREFORE, Secured Creditor respectfully requests entry of an order which denies confirmation of the proposed Chapter 13 Plan and for such other and further relief as the Court deems just and proper.

Dated: November 15, 2021

By Its Counsel

/s/ Sarah J. Greenberg

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